

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

Donald Pope
Debtor

Case No.10-77242-mar
Honorable Mark A. Randon
Chapter 13

CHAPTER 13 PLAN MODIFICATION

DEBTOR, by and through his Attorney, states the following in support of this plan modification;

1. Debtor is in a Chapter 13 plan that was confirmed on March 14, 2011.
2. Debtor's plan as confirmed and modified runs 36 months and pays a dividend of 5% to the unsecured creditors. The plan is currently in month 37.
3. Pursuant to the confirmed plan, the Debtor is to turn over all federal tax refunds. For 2012 the Debtor had a federal tax refund of \$137.00 and for 2013 the Debtor received a refund of \$211.00
4. The Debtor had unexpected home repairs for which he used the refund monies and now seeks excusal of those funds. Those repairs include replacement and installation of a sump pump at a cost of \$200.00 and replacement of a water heater at a cost of \$426.06. These expenses were in addition to the normal and budgeted household maintenance expenses. Documentation has been forwarded to the trustee.
5. This 36 month plan is currently in month 38. The Debtor proposes to further amend the plan by extending the plan length to 39 months and reducing the dividend to unsecured creditors to 3% to allow the plan to complete.
6. In summary, the Debtor proposes to amend the confirmed plan by excusing turnover of the 2012 and 2013 federal tax refunds, extending the plan length to 39 months and by reducing the dividend to unsecured creditors to 3%. (See Exhibit for worksheet)
7. The effect of this plan modification on creditors will be as follows:

- Class One-** No effect.
Class Two- Ongoing payments will be maintained.
Class Three- No creditors of this class are in this case.
Class Four- No creditors of this class are in this case.
Class Five- No creditors of this class are in this case.
Class Six- No creditors of this class are in this case
Class Seven- No creditors of this class are in this case.
Class Eight- Creditors in this class will receive a lesser dividend.

WHEREFORE, it is requested that Debtor's confirmed plan be modified to excuse turnover of the 2012 and 2013 federal tax refunds, that the plan be extended to 38 months, and that the dividend to unsecured creditors be reduced to 3%.

Dated: April 13, 2014

/S/Tricia S. Terry
Tricia S Terry (P59522)
Marrs & Terry, PLLC
6553 Jackson Rd
Ann Arbor, MI 48103
734-663-0555
tterry@marrsterry.com

EXHIBIT
WORKSHEET-PLAN MODIFICATION

1. Length of Plan is _____ weeks; **2** months; _____ years.

Step #1:

2. \$ **219.22** per pay period x **8** (weekly) pay periods per Plan = \$ **1753.76** total per Plan

Step #2

3. \$ _____ (_____) periods in Plan = _____

4. Lump Sums: Balance on hand **930.69**

5. Equals total to be paid into the Plan **2684.45**

6. Estimated trustee's fees **135.00**

7. Attorney fees and costs-remaining **1111.68**

Plus estimated future

8. Total priority claims remaining **0.00**

9. Total installment mortgage or
other long-term debt payments **1383.50**

10. Total of arrearage
including interest **0.00**

11. Total secured claims,
including interest **0.00**

Total of items 6 through 11 \$ **2630.18**

12. Funds available for unsecured creditors (\$1042.29 already disbursed + future \$54.27) \$ **1096.56**

13. Total unsecured claims \$ **36552.00**

14. Estimated percentage to unsecured creditors under Plan **3 %**

15. Estimated dividend to general unsecured creditors if
Chapter 7, (\$ **0.00**)

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Notice of Deadline to Object to Proposed Chapter 13 Plan Modification

The deadline to file an objection to the attached proposed chapter 13 plan modification is 21 days after service.

If no timely objection is filed, the proponent of the plan modification may file a certificate of no objection and the modified plan will then become effective.

If a timely objection is filed, the Court will set the matter for hearing and give notice of the hearing to the debtor, the proponent of the plan modification, the trustee and any objecting parties. In that event, the plan modification will become effective when the Court enters an order overruling or resolving all objections.

Objections to the attached proposed chapter 13 plan modification shall be served on the following:

Tricia Stewart Terry
Marrs & Terry, PLLC
6553 Jackson Rd
Ann Arbor, MI 48103

Krispen Carroll
719 Griswold
1100 Dime Building
Detroit MI 48226

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the application and may enter an order granting that relief.

Dated: April 13, 2014

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ORDER MODIFYING CONFIRMED PLAN

This matter having come before the Court upon the application of Tricia Stewart Terry, of Marrs & Terry, PLLC, and all interested parties having been served with notice of the modification, no objections to the modification having been received and a certification of no response having been filed, and the Court being otherwise fully advised in the premises;

IT IS HEREBY ORDERED that the Debtor's confirmed plan is modified excuse turnover of the 2012 and 2013 Federal income tax refunds; and

IT IS FURTHER ORDERED that the plan length is extended to 38 months; and

IT IS FURTHER ORDERED that the dividend to unsecured creditors is reduced to 3%.

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**PROOF OF SERVICE OF DEBTORS' POST-CONFIRMATION CHAPTER 13 PLAN
MODIFICATION**

The undersigned hereby states that she did serve the **Debtors' Post-Confirmation Chapter 13 Plan Modification, Notice of Plan Modification, Proposed Order and Proof of Service** via the courts Electronic Case Filing System or First Class U.S. Mail upon the following:

****SEE ATTACHED MATRIX****

Dated: April 13, 2014

/S/Tricia S. Terry
Tricia S. Terry (P59522)
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